

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

<b>In the Matter of:</b>	)	
<b>NorthPark Community Credit Union,</b>	)	<b>HUDALJ 10-E-149-MR/96</b>
<b>Respondent.</b>	)	

**ORDER GRANTING JOINT MOTION TO DISMISS WITH PREJUDICE**

This action was initiated on June 18, 2010, by the Mortgagee Review Board of the United States Department of Housing and Urban Development (“the Government”) filing a Notice of Administrative Action (“Notice”) against Respondent NorthPark Community Credit Union under Section 202 of the National Housing Act of 1934, 12 U.S.C. § 1708(c). Respondent responded to the Notice by email on June 21, 2010. On June 23, 2010, the undersigned issued a Notice of Hearing and Prehearing Order setting the hearing in this matter to commence on July 20, 2010.

On July 1, 2010, the parties filed a Joint Motion to Dismiss with Prejudice (“Motion”), on the basis that Respondent’s President, Dan Robbins, informed counsel for the Government that Respondent no longer desires a hearing to contest the Government’s withdrawal action. The parties state in the Motion that Respondent will comply with the one year withdrawal imposed upon it by the Mortgagee Review Board as set forth in the June 18, 2010, Notice of Administrative Action, and request that this matter be dismissed with prejudice.

As to dismissal of a proceeding, the applicable regulations provide that “[w]hen a motion to dismiss the proceeding is granted, the ALJ shall make and file a determination and order in accordance with the provisions of § 26.50.” 24 C.F.R. § 26.40(g). In turn, 24 C.F.R. § 26.50(a) provides in pertinent part as follows:

The ALJ shall issue an initial decision based only on the record, which shall contain findings of fact, conclusions of law, and the relief granted. The ALJ’s initial decision shall not become effective unless it becomes or is incorporated into final agency action in accordance with §§ 26.50(c) or 26.52(l).

24 C.F.R. § 26.50(a).

In accordance with Section 26.50(a), I make the following findings of fact and conclusions of law based upon the documents of record:

1. Respondent (FHA ID: 24050-0000-1 (Title 2)) held HUD/FHA approval to participate in the HUD/FHA insured mortgage programs under Title II of the National Housing Act of 1934, 12 U.S.C. § 1709. *See* Notice of Administrative Action; 24 C.F.R. Part 202.
2. Pursuant to 24 C.F.R. Part 202, Respondent was required to submit in a timely and appropriate manner its annual recertification fee. *See* 24 C.F.R. § 202.5(i), HUD Handbook 4700.2 REV-2, Chapter 7, and HUD Handbook 4060.1 REV-2, Chapter 4.
3. Pursuant to 24 C.F.R. Part 202, Respondent was required to submit in a timely and appropriate manner an executed Title II Yearly Verification report. *See* 24 C.F.R. § 202.5(m), HUD Handbook 4700.2 REV-2, Chapter 7, and HUD Handbook 4060.1 REV-2, Chapter 4.
4. Respondent failed to submit, in a timely and appropriate manner, its annual recertification fee through Pay.Gov within 30 days after the close of its fiscal year, as alleged in the Notice. *See* Notice of Administrative Action.
5. Respondent failed to submit, in a timely and appropriate manner, an executed Title II Yearly Verification report within 30 days after the close of its fiscal year, as alleged in the Notice. *See* Notice of Administrative Action.
6. In response, on October 23, 2009, the Mortgagee Review Board issued a Notice of Violation to Respondent. *See* Notice of Administrative Action.
7. On June 18, 2010, more than 30 days after the issuance of the Notice of Violation as required by 12 U.S.C. § 1708(c)(4)(A), the Mortgagee Review Board issued Respondent a Notice of Administrative Action imposing an immediate one year withdrawal of Respondent's HUD/FHA approval based upon its "serious violation of HUD/FHA's regulations and requirements," as authorized by 12 U.S.C. § 1708(c)(3)(D) and 24 C.F.R. § 25.6. *See* Notice of Administrative Action.
8. On July 1, 2010, Respondent withdrew its appeal of the Mortgagee Review Board's one year withdrawal of Respondent's HUD/FHA approval. *See* Joint Motion to Dismiss with Prejudice.
9. Respondent's failure to submit in a timely and appropriate manner its annual recertification fee constitutes a violation of 24 C.F.R. § 202.5(i), HUD Handbook 4700.2 REV-2, Chapter 7, and HUD Handbook 4060.1 REV-2, Chapter 4.
10. Respondent's failure to submit in a timely and appropriate manner an executed Title II Yearly Verification report within 30 days after the close of its fiscal year constitutes a violation of 24 C.F.R. § 202.5(m), HUD Handbook 4700.2 REV-2, Chapter 7, and HUD Handbook 4060.1 REV-2, Chapter 4.

**ORDER**

Based upon the foregoing, for good cause shown, the parties' Joint Motion to Dismiss with Prejudice is hereby **GRANTED**, and further, it is concluded that the Mortgagee Review Board's withdrawal of Respondent's HUD/FHA approval under Title II of the National Housing Act (FHA ID: 24050-0000-1 (Title 2)) continues in effect for one year from the date of Respondent's receipt of the Notice of Administrative Action dated June 18, 2010.



\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge<sup>1</sup>

Dated: July 6, 2010  
Washington, D.C.

---

<sup>1</sup> The Administrative Law Judges of the United States Environmental Protection Agency are authorized to hear cases pending before the United States Department of Housing and Urban Development pursuant to an Interagency Agreement in effect beginning March 4, 2010.